



# UNITED STATES PATENT AND TRADEMARK OFFICE

ED  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,653	05/04/2001	Katsuakira Moriwake	450108-4484.1	9010
20999	7590	08/10/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/849,653	MORIWAKE ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 June 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 143-148 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 143-148 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This communication is responsive to Appeal Brief filed 6/22/2005.
2. Claims 143-148 are pending in this application. Claims 143 and 146 are independent claims.

### *Response to Arguments*

3. In view of the Appeal Brief filed on 6/22/2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

4. Applicant's arguments with respect to claims 143-148 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 143-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. ('MacKay", US 5,148,154) in view of Takahashi et al. ("Takahashi" US 5,537,528).

As per claim 143, MacKay teaches an editing system for editing a plurality of clips, comprising:

editing means for editing said plurality of clips to produce said edit resultant clip (col.4, lines 60-66), comprising:

an edit module for edit processing said plurality of clips (col.4, lines 60-66);

a composite module for composite processing said plurality of clips (col.4, lines 60-66);

and

a special effect module for special effect processing said plurality of clips (col.4, lines 60-66);

wherein said editing means produces module identification information indicating the processing to be performed on said plurality of clips by said edit module, said composite module, and said special effect module in producing said edit resultant clip (col.11, lines 27-38); and

user interface means for displaying and controlling graphical user interfaces corresponding to processing performed by said edit module, said composite processing module, and said special effect module (col.13, lines 1-10).

However, MacKay does not teach link information indicating a tree structure for linking said plurality of clips in producing said edit resultant clip and a clip tree window for graphically displaying said tree structure for said plurality of clips. Takahashi teaches an editing system for editing clips that graphically represents the clips in a tree structure for linking the clips together (Takahashi, col.2, lines 6-67; Fig.16, col.14, lines 37-51). It would have been obvious to one of

ordinary skill in the art at the time of the invention to include Takahashi's teaching with MacKay's system in order to provide access to clips for easier and faster editing.

As per claim 144, Takahashi teaches an editing system wherein information relating to each of said plurality of clips is registered in a database used to store clip information (Takahashi, col.8, lines 38-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Takahashi's teaching with MacKay's system in order to provide an alternatively efficient means of storage.

As per claim 145, Takahashi teaches the current clip to be edited from said clip tree window to be graphically designated in said clip tree window (Fig.16, col.14, lines 37-51).

Independent claim 146 is similar in scope to independent claim 143, and is therefore rejected under similar rationale.

Claim 147 is similar in scope to claim 144, and is therefore rejected under similar rationale.

Claim 148 is similar in scope to claim 145, and is therefore rejected under similar rationale.

*Communications*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 [After Final Communication]

(571) 273-8300 [Official Communication]

(571) 273-8300 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah  
Patent Examiner  
Art Unit 2174

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100